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After the Holocaust Losses, Finding Hope in Legislation

By JOSEPH B. TREASTER

Fred Taucher, who lost both his parents in the Holocaust, sat down at his computer in his office in Seattle Wednesday afternoon and typed in the family name.

A friend had told him that the names of more than 350,000 customers of German life insurance companies at the time of World War II had just been published on the Internet. His father had been a struggling tailor before being hauled off to Auschwitz and Mr. Taucher did not think he had bought life insurance. But he decided to check.

In a moment, the names of his parents, Julius and Therese Taucher, flashed on the computer screen.

"I was just amazed," Mr. Taucher said in a telephone interview yesterday. "I never dreamed he would have had the money to pay for life insurance."

Mr. Taucher's discovery underscores the importance of requiring European insurance companies to publish names of their customers. For more than 60 years, the insurance companies, which sold billions of dollars' worth of policies around World War II, have refused to do so. They routinely turned away families trying to collect benefits, insisting upon seeing death certificates and copies of policies and sometimes denying that company records existed.

But yesterday, three congressmen introduced legislation in Washington that would specifically authorize states to require companies to make the Holocaust-era names public.

Families lost everything in the Holocaust; many were children at the time. As a result, like Mr. Taucher many people have no idea that they are owed money.

"If the companies don't publish the names of who had policies, people will never know they are owed a settlement," Deborah Senn, a former insurance commissioner in Washington, said.

The German companies agreed to publish the more than 350,000 names on Wednesday under a \$5.1 billion settlement between the United States and Germany on a variety of

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Holocaust issues. But German and other European companies are still fighting disclosure. Just last week, some insurers from Germany and other European countries argued in the Supreme Court that a California law demanding the publication of the names of up to 10 million Holocaust-era customers was unconstitutional.

"They have spent a fortune trying to avoid paying the rightful beneficiaries of these policies," Daniel Kadden, a consultant to survivors' groups in Washington, said.

The Supreme Court Justices seemed sympathetic to the insurers' argument that California had improperly engaged in foreign policy. Representative Mark Foley, a Florida Democrat, who drafted the bill, said that while federal law delegates the regulation of insurance companies to the states, there is no reference to Holocaust insurance. "This legislation reaffirms the states' right to collect this information and provides for a federal cause of action for the beneficiaries," he said. "I'm fed up watching insurance companies thumb their noses at Holocaust survivors. The time for talking is over. It's time Congress rights this horrible wrong."

The legislation, which is also sponsored by Representative Steve Israel, a New York Democrat, and Senator Norm Coleman, a Minnesota Republican, would also extend the statute of limitations on Holocaust-era claims in the United States for 10 years.

Stephen Zielezienski, a lawyer for the American Insurance Association, which has taken the lead in the Supreme Court case because subsidiaries of the European companies are among its members, said his organization would oppose the legislation. Mr. Zielezienski said the legislation runs counter to efforts by the Clinton and Bush administrations to resolve Holocaust issues through negotiation rather than litigation.

The International Commission on Holocaust-Era Insurance Claims, an organization of American insurance regulators, Jewish groups and European insurers, published the list of more than 350,000 names on its Web site, www.icheic.org, after two years of negotiations with the companies.

Previously, the commission had published the names of 59,000 policyholders, obtained mainly through public records. In over four years of operations, it has offered \$38 million to pay the claims of about 3,000 people, just short of the \$40 million it has spent on expenses.

The next step for Mr. Taucher and others who find family names on the Web site is to file a claim through the commission. The commission has worked out a system of paying claims that takes into account currency devaluations in Europe after the war and some survivors say the offers have been far lower than they expected.

Eight disappointed survivors filed lawsuits against European insurers in early April, encouraged when a federal judge refused to dismiss a dozen pending suits. Most of the lawsuits are against Assicurazioni Generali, a big Italian insurer that was founded by Jewish merchants in Trieste and focused its sales in Jewish communities across Europe.


Mr. Taucher said that while he was surprised that both his parents had life insurance policies, he said he remembered that when he was 5, he heard his father tell his mother after the Germans had wrecked the family tailor shop, "Don't worry, we have insurance for this."


Mr. Taucher said he and his brother believed that the coverage had been provided by the Allianz Group, which was then, as now, the biggest German property and life insurance company, and for 30 years had tried repeatedly to collect for the damage.

"We always got the same answer," Mr. Taucher said. " `Unless you have a policy, we can't

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help you. There's nothing we can do.' "

Sabia Schwarzer, a spokeswoman for Allianz, said that she did not know why Mr. Taucher's claim for damage to the tailor shop had not been resolved, but that it had not been the company's policy for several years to require customers to present documents as evidence of coverage.

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